IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE NO. 1349 OF 2006
IN
EXECUTION APPLICATION NO.448 OF 2006
IN
BOMBAY CITY CIVIL COURT
SHORT CAUSE SUIT NO. 4746 OF 2001

Rammurath Singh Ramnath & Ors. ... Plaintiffs.

V/s.

The State of Maharashtra & Ors. ... Defendants.

Mr. R.N. Kachare for the Plaintiffs.

Ms. Usha Rahi for Defendant No.4.

.....

CORAM : SMT. ROSHAN DALVI, J.

DATE : 8TH FEBRUARY 2007.

P.C. :

1. There has been a consent decree in the suit. The Defendants were to provide temporary or permanent alternate accommodation to the Plaintiff in the suit within the prescribed period of 120 days and failing which, compensate the Plaintiff at the rate of Rs.5,000/- per day as per the consent decree passed in the suit.

2. The Defendants have failed to give the permanent or temporary alternate accommodation. The Defendants have also failed to give the compensation as agreed. Hence, execution application has been taken out. Since there is a delay for over two years, this notice under Order XXI

Rule 22 of the Civil Procedure Code, 1908 has been taken out. The notice only requires leave to be granted to the Plaintiff to proceed in execution. Notice has been served upon the Defendants on 19th October 2006 through the Sheriff's Bailiff. Affidavit of service dated 8th December 2006 has been filed showing the service.

3. There is no affidavit-in-reply filed by the Defendants. The Defendant's Advocate is asked why leave to proceed with in execution should not be granted. She has no instructions. There is no reason why the Plaintiff should not be allowed to execute the consent decree signed by the Plaintiffs and the Defendants in the above suit filed in the Bombay City Civil Court. Notice is made absolute as prayed. Execution to proceed.

(SMT.ROSHAN DALVI,J.)